

In The United States Patent & Trademark
In The United States Receiving Office (RO/US)
For International Applications Filed Under
The Patent Cooperation Treaty

In Re: Application of
CAPECI, Scott William et al.
International Application No.: PCT/US99/22396
International Filing Date: 24 September 1999
USSN: 09/787,853
Applicant Ref. No. 7713M

Applicants' Response to NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Dear Sir:

This supplies Applicants' response to the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905) dated 27 April 2001. The period for response expired 27 June 2001. Applicants hereby requests a one month extension of time to respond under 37 CFR 1.136(a). The fees required under 37 CFR 1.17 for this extension should be charged to Deposit Account 16-2485.

FORM PCT/DO/EO/905 asserts, under Items 2 c) and d) that Applicant(s) are required to submit;

"Oath or Declaration of the inventors, in compliance with 37 CFR 1.63, identifying the application by International application number and international filing date". and

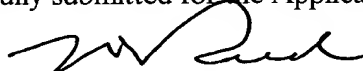
"Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

Accompanying this response is a Declaration complying with the above-requirements. Please charge the requisite fees required under 37 CFR 1.492(e), and any additional fees for the necessary extension of time to Applicant(s) deposit account no. 16-2485. A copy of FORM PCT/DO/EO/905 is enclosed as required.

07/26/2001 HNGUYEN 00000013 162485 09787853

01 FC:115 110.00 CH
02 FC:154 130.00 CH

Respectfully submitted for the Applicants



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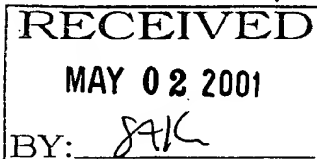
Date of Deposit: **23 July 2001**
I hereby certify that this paper/fee is being deposited with the United States Postal Service "Express Mail Post Office in Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, The Assistant Commissioner for Patents, Washington, DC 20231

Virginia Byrd
Administrative mailing application
Signature of Administrative mailing application



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787853	CAPECI S	7713M/DO
INTERNATIONAL APPLICATION NO.		

M DRESSMAN
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PCT/US99/22396

I.A. FILING DATE	PRIORITY DATE
24 SEP 99	25 SEP 98

DATE MAILED 27 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)